

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**LATOYA BROWN; LAWRENCE BLACKMON
HERBERT ANTHONY GREEN; KHADAFY MANNING;
QUINETTA MANNING; MARVIN MCFIELD; NICHOLAS
SINGLETON; STEVEN SMITH; BESSIE THOMAS; and
BETTY JEAN WILLIAMS TUCKER, individually and on
behalf of a class of all other similarly situated,**

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:17-cv-347 WHB LRA

**MADISON COUNTY, MISSISSIPPI; SHERIFF
RANDALL C. TUCKER, in his official capacity; and
MADISON COUNTY SHERIFF'S DEPUTIES JOHN
DOES #1 through #6, in their individual capacities,**

DEFENDANTS

**MOTON FOR SUMMARY JUDGMENT AS TO INDIVIDUAL
AND CLASS BASED CLAIMS BY PLAINTIFF, LATOYA BROWN**

COME NOW Defendants, Madison County, Mississippi, and Sheriff Randall C. Tucker, in his official capacity, by and through counsel, and move this Court pursuant to *Fed. R. Civ. P.* 56(a) to enter summary judgment in their favor on all claims by Plaintiff, Latoya Brown (“Brown”) in this action. For further grounds of their Motion, Defendants submit the following:

1. Brown sues on behalf of herself and a purported class of individuals she defines as:

People who (1) are, or who appear to be, Black and those in their company, and (2) were, are, or will be in Madison County, and (3) were, are, or will be, subject to the MCSD's policy, custom, and/or practice of systematically executing unreasonable searches and seizures of person, homes, cars, and property on the basis of race.”

2. Brown seeks only injunctive and declaratory relief from Defendants. [Dkt. #1, Pgs. 82-85].

3. Brown's claims must be dismissed with prejudice for the following reasons:

a. She cannot establish that she has been subjected to intentional racial discrimination in violation of the Fourteenth Amendment under 42 U.S.C. §1983 or under Title VI, 42 U.S.C. § 2000d *et seq*;

b. She cannot establish that she has suffered a violation of her Fourth Amendment rights under 42 U.S.C. §1983;

c. She lacks standing under Article III to bring her own claims for injunctive and declaratory relief because she has not suffered a constitutional injury; and

d. She lacks standing to pursue the claims of her purported class members because she cannot show that she is likely to suffer any injury in the future from any conduct by the MCSD since she no longer resides in Madison County or, for that matter, in the State of Mississippi.

4. Defendants incorporate their Memorandum in Support of their Motion for Summary Judgment with this Motion.

WHEREFORE, PREMISES CONSIDERED, Defendants move this Court to dismiss all of Latoya Brown's claims against them with prejudice.

This the 7th day of March, 2018.

Respectfully submitted:

**MADISON COUNTY, MISSISSIPPI and
SHERIFF RANDALL C. TUCKER, IN
HIS OFFICIAL CAPACITY**

By: /s/ Rebecca B. Cowan

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CERTIFICATE OF SERVICE

I, Rebecca B. Cowan, do hereby certify that I have this day, electronically filed the above and foregoing with the Clerk of the Court using the ECF system which will automatically provide e-mail notification of said filing upon the following:

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So, certified this the 7th day of March, 2018.

/s/ Rebecca B. Cowan